



Defendants assert that expedited consideration of their underlying Motion is warranted given the following present circumstances:

1. During the course of discovery directed to the Plaintiffs' Motion for Preliminary Injunction, (the "PI Motion"), Plaintiffs have repeatedly violated the Court's Orders with regard to the timing and content of their experts' disclosures;
2. Plaintiffs have taken the position that their experts are entitled to offer testimony at the hearing on the PI Motion that differs from their Affidavits and deposition testimony;
3. Plaintiffs' late production of significant expert materials has disrupted the very tight expert deposition schedule ordered by the Court on January 26, 2007 [Dkt. No. 1425], and it has severely prejudiced Defendants' ability to fully discover Plaintiffs' expert evidence in order for (i) Defendants' experts to prepare their rebuttal opinions; (ii) Defendants to prepare their Responses to the PI Motion by the Court-ordered deadline; and (iii) Defendants to prepare their case for the bench trial on the PI Motion;
4. The current deadline set for Defendants' Responses to the PI Motion is February 8, 2007; and
5. The bench trial on the PI Motion is scheduled to begin on February 19, 2008.

Defendants assert that the aforementioned matters raised in the underlying Motion are therefore significant and time-sensitive. Likewise, Defendants assert that these matters are causing them great prejudice as well as harm to their due process rights, which justifies the Court granting their request for expedited consideration.

WHEREFORE, Defendants request the Court grant the instant Motion and take up their Motion to Amend Schedule at the earliest time the Court's docket will allow.

Respectfully submitted,

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